

110TH CONGRESS  
1ST SESSION

# S. 150

To amend the Safe Drinking Water Act to protect the health of pregnant women, fetuses, infants, and children by requiring a health advisory and drinking water standard for perchlorate.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 4, 2007

Mrs. BOXER (for herself, Mrs. FEINSTEIN, and Mr. LAUTENBERG) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend the Safe Drinking Water Act to protect the health of pregnant women, fetuses, infants, and children by requiring a health advisory and drinking water standard for perchlorate.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting Pregnant  
5 Women and Children From Perchlorate Act of 2007”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

8 (1) perchlorate—

1 (A) is a chemical used as the primary in-  
2 gredient of solid rocket propellant; and

3 (B) is also used in fireworks, road flares,  
4 and other applications;

5 (2) waste from the manufacture and improper  
6 disposal of chemicals containing perchlorate is in-  
7 creasingly being discovered in soil and water;

8 (3) according to the Government Accountability  
9 Office, perchlorate contamination has been detected  
10 in water and soil at almost 400 sites in the United  
11 States, with concentration levels ranging from 4  
12 parts per billion to millions of parts per billion;

13 (4) the Government Accountability Office has  
14 determined that the Environmental Protection Agen-  
15 cy does not centrally track or monitor perchlorate  
16 detections or the status of perchlorate cleanup, so a  
17 greater number of contaminated sites may already  
18 exist;

19 (5) according to the Government Accountability  
20 Office, limited Environmental Protection Agency  
21 data show that perchlorate has been found in 35  
22 States and the District of Columbia and is known to  
23 have contaminated 153 public water systems in 26  
24 States;

1           (6) those data are likely underestimates of total  
2       drinking water exposure, as illustrated by the find-  
3       ing of the California Department of Health Services  
4       that perchlorate contamination sites have affected  
5       approximately 276 drinking water sources and 77  
6       drinking water systems in the State of California  
7       alone;

8           (7) Food and Drug Administration scientists  
9       and other scientific researchers have detected per-  
10      chlorate in the United States food supply, including  
11      in lettuce, milk, cucumbers, tomatoes, carrots, canta-  
12      loupe, wheat, and spinach, and in human breast  
13      milk;

14          (8)(A) perchlorate can harm human health, es-  
15      pecially in pregnant women and children, by inter-  
16      fering with uptake of iodide by the thyroid gland,  
17      which is necessary to produce important hormones  
18      that help control human health and development;

19          (B) in adults, the thyroid helps to regulate me-  
20      tabolism;

21          (C) in children, the thyroid helps to ensure  
22      proper mental and physical development; and

23          (D) impairment of thyroid function in expectant  
24      mothers or infants may result in effects including

1 delayed development and decreased learning capa-  
2 bility;

3 (9)(A) in October 2006, researchers from the  
4 Centers for Disease Control and Prevention pub-  
5 lished the largest, most comprehensive study to date  
6 on the effects of low levels of perchlorate exposure  
7 in women, finding that—

8 (i) significant changes existed in thyroid  
9 hormones in women with low iodine levels who  
10 were exposed to perchlorate; and

11 (ii) even low-level perchlorate exposure may  
12 affect the production of hormones by the thy-  
13 roid in iodine-deficient women; and

14 (B) in the United States, about 36 percent of  
15 women have iodine levels equivalent to or below the  
16 levels of the women in the study described in sub-  
17 paragraph (A); and

18 (10) the Environmental Protection Agency has  
19 not established a health advisory or national primary  
20 drinking water regulation for perchlorate, but in-  
21 stead established a “Drinking Water Equivalent  
22 Level” of 24.5 parts per billion for perchlorate,  
23 which—

24 (A) does not take into consideration all  
25 routes of exposure to perchlorate;

1 (B) has been criticized by experts as fail-  
2 ing to sufficiently consider the body weight,  
3 unique exposure, and vulnerabilities of certain  
4 pregnant women and fetuses, infants, and chil-  
5 dren; and

6 (C) is based primarily on a small study  
7 and does not take into account new, larger  
8 studies of the Centers for Disease Control and  
9 Prevention or other data indicating potential ef-  
10 fects at lower perchlorate levels than previously  
11 found.

12 (b) PURPOSES.—The purposes of this Act are—

13 (1) to require the Administrator of the Environ-  
14 mental Protection Agency to establish, by not later  
15 than 90 days after the date of enactment of this  
16 Act, a health advisory for perchlorate in drinking  
17 water that fully protects pregnant women, fetuses,  
18 infants, and children, taking into consideration body  
19 weight and exposure patterns and all routes of expo-  
20 sure to perchlorate; and

21 (2) to require the Administrator of the Environ-  
22 mental Protection Agency to establish promptly a  
23 national primary drinking water regulation for per-  
24 chlorate that fully protects pregnant women, fetuses,  
25 infants, and children, taking into consideration body

1 weight and exposure patterns and all routes of expo-  
 2 sure to perchlorate.

3 **SEC. 3. HEALTH ADVISORY AND NATIONAL PRIMARY**  
 4 **DRINKING WATER REGULATION FOR PER-**  
 5 **CHLORATE.**

6 Section 1412(b)(12) of the Safe Drinking Water Act  
 7 (42 U.S.C. 300g-1(b)(12)) is amended by adding at the  
 8 end the following:

9 “(C) PERCHLORATE.—

10 “(i) SCHEDULE, HEALTH ADVISORY,  
 11 AND STANDARD.—Notwithstanding any  
 12 other provision of this section, the Admin-  
 13 istrator shall publish a health advisory and  
 14 promulgate a national primary drinking  
 15 water regulation for perchlorate, in accord-  
 16 ance with the schedule and provisions es-  
 17 tablished by this subparagraph, that fully  
 18 protect, with an adequate margin of safety,  
 19 the health of vulnerable persons (including  
 20 pregnant women, fetuses, infants, and chil-  
 21 dren), taking into consideration body  
 22 weight, exposure patterns, and all routes of  
 23 exposure.

24 “(ii) HEALTH ADVISORY.—Not later  
 25 than 90 days after the date of enactment

1 of this subparagraph, the Administrator  
2 shall publish a health advisory for per-  
3 chlorate in accordance with clause (i).

4 “(iii) PROPOSED REGULATIONS.—Not  
5 later than August 1, 2007, the Adminis-  
6 trator shall propose a national primary  
7 drinking water regulation for perchlorate  
8 in accordance with clause (i).

9 “(iv) FINAL REGULATIONS.—Not  
10 later than December 31, 2007, after pro-  
11 viding notice and an opportunity for public  
12 comment, the Administrator shall promul-  
13 gate a national primary drinking water  
14 regulation for perchlorate in accordance  
15 with clause (i).”.

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